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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/587,668

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Tao Chen

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QUALCOMM INCORPORATED

5775 MOREHOUSE DR.

SAN DIEGO, CA 92121

EXAMINER

HOLLIDAY, JAIME MICHELE

ART UNIT

PAPER NUMBER

2617

NOTIFICATION DATE

DELIVERY MODE

06/22/2007

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 09/587,668	Applicant(s) CHEN, TAO	
	Examiner Jaime M. Holliday	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) 1-28 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 29-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Arguments

1. Applicant's arguments filed March 29, 2007 have been fully considered but they are not persuasive.

Applicant basically argues that the Kanai reference fails to teach increasing a pilot channel transmit power level and decreasing a power gain of other channels in relation to the pilot channel. Applicant further argues that the Choi reference fails to overcome any deficiencies of the Kanai reference.

Examiner respectfully disagrees, because as cited in the previous Office Action, Kanai discloses increasing a pilot channel transmit power level (col. 2 lines 9-18; power level control means for controlling a power level of the pilot signal), and is modified by Choi, which discloses decreasing a power gain of other channels (col. 4 lines 50-67; overhead channel (pilot) is a fixed value, and the traffic channel power increases or decreases for each frame owing to the gain obtained by the power control, voice activity, and power control subchannel). In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Therefore, in view of the above arguments, Examiner maintains previous rejection (Kanai in view of Choi).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 29-40** are rejected under 35 U.S.C. 103(a) as being unpatentable over Kanai (U.S. Patent Number 5,898,682) in view of Choi (U.S. Patent Number 6,278,882).

Regarding claim 29. Kanai discloses all the claimed invention as set forth in the instant application, further Kanai discloses a radio channel control apparatus used in a CDMA cellular system and capable of changing cell size. Additionally, Kanai discloses detecting and unbalanced quality of a power control signal received at a plurality of base station transceivers from a wireless device (which reads on column 2 lines 24-25); increasing a target signal-to-noise ratio (SNR) for the plurality of base station transceivers (which reads on column 9 lines 20-26); increasing a pilot channel transmit power level of the wireless device and, channels in relation to the pilot channel of the wireless device providing that the quality of the received power control signal is below a predefined target signal quality (which reads on column 2 lines 9-18).

However Kanai fails to decrease a power gain of other channels.

In the same field of endeavor, Choi discloses a call control method in base station of CDMA mobile radio communication system. Choi further discloses decreasing a power gain of other channels as disclosed in column 4 lines 50-67.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to improve Kanai with to decreasing a power gain of other channels as taught by Choi for the purpose of obtaining a uniform power level.

Regarding claim 30. Kanai discloses the power gain of other channels in relation to the pilot channel is decreased by an amount that is equal to an amount by which the pilot channel transmit power level is increased (which reads on column 2 lines 9-18).

Regarding claim 31. Kanai discloses the power gain of other channels in relation to the pilot channel is decreased by an amount that is more than an amount by which the pilot channel transmit power level is increased (which reads on column 2 lines 9-18).

Regarding claim 32. Kanai discloses the wireless device is in soft handoff (which reads on column 1 lines 53-55).

Regarding claim 33. Kanai discloses means for detecting an unbalanced quality of a power control of a power control signal received at a plurality of base station transceivers from a wireless device (which reads on column 2 lines 24-25), means increasing a target signal-to-noise ratio (SNR) for the plurality of base station transceivers (which reads on column 9 lines 20-26); means for increasing a pilot channel transmit power level of the wireless device and, means for channels in relation to the pilot channel of the wireless device providing that the quality of the received power control signal is below a predefined target signal quality (which reads on column 2 lines 9-18).

However Kanai fails to decrease a power gain of other channels.

In the same field of endeavor, Choi discloses a call control method in base station of CDMA mobile radio communication system. Choi further discloses decreasing a power gain of other channels as disclosed in column 4 lines 50-67.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to improve Kanai with to decreasing a power gain of other channels as taught by Choi for the purpose of obtaining a uniform power level.

Regarding claim 34. Kanai discloses the power gain of other channels in relation to the pilot channel is decreased by an amount that is equal to an amount by which the pilot channel transmit power level is increased (which reads on column 2 lines 9-18).

Regarding claim 35. Kanai discloses the power gain of other channels in relation to the pilot channel is decreased by an amount that is more than an amount by which the pilot channel transmit power level is increased (which reads on column 2 lines 9-18).

Regarding claim 36. Kanai discloses the power gain of other channels in relation to the pilot channel is decreased by an amount that is more than an amount by which the pilot channel transmit power level is increased (which reads on column 2 lines 9-18).

Regarding claim 37. Kanai discloses the wireless device is in soft handoff (which reads on column 1 lines 53-55).

Regarding claim 38. Kanai discloses the power gain of other channels in relation to the pilot channel is decreased by an amount that is more than an amount by which the pilot channel transmit power level is increased (which reads on column 2 lines 9-18).

Regarding claim 39. Kanai discloses the power gain of other channels in relation to the pilot channel is decreased by an amount that is more than an amount by which the pilot channel transmit power level is increased (which reads on column 2 lines 9-18).

Regarding claim 40. Kanai discloses the wireless device is in soft handoff (which reads on column 1 lines 53-55).

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

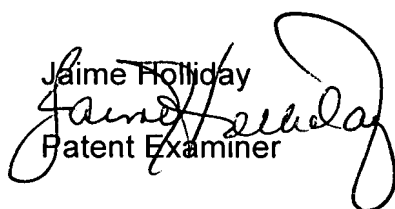
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Art Unit: 2617

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jaime M. Holliday whose telephone number is (571) 272-8618. The examiner can normally be reached on Monday through Friday 7:30am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on (571) 272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jaime Holliday

Patent Examiner


JOSEPH FEILD
SUPERVISORY PATENT EXAMINER